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House of Representatives

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June 25, 1998

The Honorable Samuel R. Berger
Assistant to the President for National Security Affairs
c/o United States Embassy
Beijing, China

Dear Mr. Berger:

During your June 21, 1998 appearance on the ABC television program “This Week”, you had the following exchange with George Will concerning the Communist Chinese government’s practice of selling organs harvested from executed prisoners:

Will: ” Let’s continue with forthright dealings about say, organ transplants; there was quite gripping testimony about this policy in Congress. How do you do it? What did - does the president say to them? ‘ Shouldn’t you quit harvesting organs?’ I mean, what do you say to them?”

You replied:

Berger: “ It is obviously abhorrent. It is against Chinese Law. We are certainly aware of situations in which that law has been violated. And we will continue to press the Chinese to enforce their law.”

Unfortunately, from this exchange, I can only surmise that you do not understand just what the Chinese law actually says.

On June 4th and again on June 16th, the Congress heard highly credible witnesses testify about China’s harvesting of prisoner organs. One key point in this testimony concerned the regulations governing the harvesting of prisoner organs for transplant or medical experimentation.

Under those regulations, there are three sets of circumstances under which prisoner organs may be taken:

- 1) When the prisoner gives consent prior to execution.
- 2) When the family of an executed prisoner gives consent.
- 3) When a body is unclaimed.

Meeting any one of these conditions is sufficient to permit an organ to be harvested. This means that dissidents, whose bodies are normally left unclaimed for fear of reprisals, could have their organs harvested against their wishes by the Communist Chinese government, without any violation of law or regulation taking place. Therefore, Mr. Berger, the Chinese are enforcing their law. It's just that their law permits prisoners to be killed for their organs to generate profits for the government.

If you have any doubts that this is the case, just ask Assistant Secretary of State John Shattuck, who is accompanying you on your trip.

As I noted in a letter, co-signed by my colleagues Mr. Waxman and Mr. Gilman:

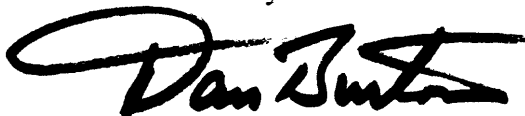
“In testimony before our Committees, the Assistant Secretary of State for Democracy, Human Rights and Labor acknowledged that a substantial body of credible evidence indicates that organs are removed from executed prisoners and sold to foreign and Chinese patients in need of transplant.”

The letter continued:

“There are several indications that the government of China not only tolerates but actually regulates this practice. In 1984, several agencies of the central government promulgated regulations on the use of executed prisoners' organs. In addition, the government provides visas for patients, permits organ extraction on government controlled execution grounds, provides transportation of the organs or corpses to government-run hospitals, and permits government physicians to perform the transplant surgery.”

Mr. Berger, it would be a tragic mistake for our government to permit the Communist Chinese to believe that they have succeeded in fooling us with legalisms. Please encourage the President to speak out strongly about this. To do less would be a tragic loss of opportunity.

Sincerely

A handwritten signature in black ink, appearing to read "Dan Burton". The signature is stylized with a large, sweeping initial "D" and a cursive "Burton".

Dan Burton
Chairman